

national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6897 and by adding the following new airworthiness directive:

91-18-13. Short Brothers, PLC: Amendment 39-8015. Docket No. 91-NM-92-AD. Supersedes AD 91-04-06.

Applicability: Model SD3-30 series airplanes, as listed in Short Brothers Service Bulletin SD330-24-25, Revision 2, dated November 29, 1990; and Model SD3-60 series airplanes, as listed in Short Brothers Service Bulletin SD360-24-18, Revision 3, dated November 29, 1990; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent loss of power to the pitot/static heaters and subsequent incorrect airspeed and altitude information being provided to the pilot and/or co-pilot in the event of a generator or engine failure, accomplish the following:

A. For Model SD3-30 series airplanes,

Serial Numbers SH3002 through SH3072: Within 180 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with part A of the Accomplishment Instructions in Short Brothers Service Bulletin SD330-24-25, Revision 2, dated November 29, 1990. Following accomplishment of this modification, revise the Emergency and Normal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) by inserting AFM Amendment Document No. SBH 3.3 (ref. change P/15) or SBH 3.6 (ref. change P/11), as applicable.

B. For Model SD3-30 series airplanes, Serial Numbers SH3073 and subsequent: Within 180 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with part B of the Accomplishment Instructions in Short Brothers Service Bulletin SD330-24-25, Revision 2, dated November 29, 1990. Following accomplishment of this modification, revise the Emergency and Normal Procedures Sections of the FAA-approved AFM by inserting AFM Amendment Document No. SBH 3.3 (ref. change P/15) or SBH 3.6 (ref. change P/11), as applicable.

C. For Model SD3-60 series airplanes, Serial Numbers SH3601 through SH3619: Within 180 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with the part A of the Accomplishment Instructions in Short Brothers Service Bulletin SD360-24-18, Revision 3, dated November 29, 1990. Following accomplishment of this modification, revise the Emergency and Normal Sections of the FAA-approved AFM by inserting AFM Amendment Document No. SB 4.3 (ref. change P/18), SB 4.6 (ref. change P/11), or SB 4.8 (ref. change P/8), as applicable.

D. For Model SD3-60 series airplanes, Serial Numbers SH3620 through SH3676: Within 180 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with the part B of the Accomplishment Instructions in Short Brothers Service Bulletin SD360-24-18, Revision 3, dated November 29, 1990. Following accomplishment of this modification, revise the Emergency and Normal Procedures Sections of the FAA-approved AFM by inserting AFM Amendment Document No. SB 4.3 (ref. change P/18), SB 4.6 (ref. change P/11), or SB 4.8 (ref. change P/8), as applicable.

E. For Model SD3-60 series airplanes, Serial Numbers SH3677 through SH3762: Within 180 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with the part C of the Accomplishment Instructions in Short Brothers Service Bulletin SD360-24-18, Revision 3, dated November 29, 1990. Following accomplishment of this modification, revise the Emergency and Normal Procedures Sections of the FAA-approved AFM by inserting AFM Amendment Document No. SB 4.3 (ref. change P/18), SB 4.6 (ref. change P/11), or SB 4.8 (ref. change P/8), as applicable.

F. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

H. The modification requirement shall be done in accordance with Short Brothers Service Bulletin SD330-24-25, Revision 2, dated November 29, 1990, and Short Brothers Service Bulletin SD360-24-18, Revision 3, dated November 29, 1990. The revisions to the Airplane Flight Manual (AFM) shall be done in accordance with the following list of AFM Amendment Documents and related effective pages:

AFM amendment document No.	Page No.	Section No.
SBH 3.3	17	3
	37	4
SBH 3.6	17	3
	43	4
SB 4.3	15	3
	43	4
SB 4.6	15	3
	43	4
SB 4.8	15	3
	43	4

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Short Brothers, PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3719. Copies may be inspected at the FAA, Transport Airplane Directorate, Renton, Washington; or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

This amendment supersedes Amendment 39-6897, AD 91-04-06.

This amendment (39-8015, AD 91-18-13) becomes effective October 16, 1991.

Issued in Renton, Washington, on August 12, 1991.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.

[FR Doc. 91-21779 Filed 9-10-91; 6:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 26339]

Operation of Jet Aircraft in Commuter Slots at O'Hare International Airport

AGENCY: Federal Aviation Administration (FAA), Department of Transportation, (DOT).

ACTION: Notice of meeting.

SUMMARY: On August 14, 1991, the FAA issued an amendment to the High Density Traffic Airport Rule to permit current holders of commuter slots at O'Hare International Airport to use up to 25% of their commuter slots for operations with aircraft having a certificated maximum passenger capacity of up to 110 seats. On August 29, 1991, the FAA issued a notice announcing a meeting on September 5, 1991, to conduct a lottery to allocate commuter slot times at which an operator holding commuter slots may use those slots with the larger aircraft (56 FR 43692, September 4, 1991). This notice announces the postponement of that meeting until September 13, 1991.

DATES: The meeting will be held on Friday, September 13, 1991. The lottery will begin at 1 p.m.

ADDRESSES: The meeting will be held at FAA Headquarters, Conference Room 8A-C, 800 Independence Ave., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Patricia R. Lane, Airspace and Air Traffic Law Branch, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-3491.

Issued in Washington, DC on September 5, 1991.

David L. Bennett,

Acting Deputy Assistant Chief Counsel for Regulations and Enforcement.

[FR Doc. 91-21785 Filed 9-10-91; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION**16 CFR Part 1000****Organization and Functions**

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission is amending its statement of organization and functions, 16 CFR part 1000, as published at 56 FR 30495, July 3, 1991, to correct two inadvertent

omissions. The July 3 rule described the Office of Planning and Evaluation at § 1000.22, but omitted it from the list of organizations reporting to the Executive Director, § 1000.12(b), and from the list of organizations supervised by the Executive Director, § 1000.19.

DATES: September 11, 1991.

ADDRESSES: Consumer Product Safety Commission, Office of the Secretary, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone 301-492-6980.

SUPPLEMENTARY INFORMATION: Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately upon publication in the *Federal Register*. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612, and, thus, is exempt from the provisions of the Act.

List of Subjects in 16 CFR Part 1000

Organization and functions (government agencies).

Accordingly, part 1000 is amended as follows:

1. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 552(a).

2. Section 1000.12 is amended by revising paragraph (b) to read as follows:

§ 1000.12 Organizational structure.

* * *

(b) The following units report directly to the Executive Director of the Commission:

- (1) Office of the Budget;
- (2) Office of Hazard Identification and Reduction;
- (3) Office of Information and Public Affairs;
- (4) Office of Compliance and Enforcement;
- (5) Office of Planning and Evaluation;
- (6) Directorate for Administration;
- (7) Directorate for Field Operations.

* * *

§ 1000.19 Office of the Executive Director.

3. Section 1000.19 is amended by revising the second sentence to read as follows:

* * * The Executive Director has direct line authority over the following directorates and offices: the Directorate for Administration and the Directorate for Field Operations; the Office of the Budget, the Office of Hazard

Identification and Reduction, the Office of Information and Public Affairs, the Office of Compliance and Enforcement, and the Office of Planning and Evaluation. * * *

Dated: September 4, 1991.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 91-21673 Filed 9-10-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AB42

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Cyanea superba*, an Hawaiian Plant

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines a plant, *Cyanea superba* (no common name), to be endangered pursuant to the Endangered Species Act of 1973, as amended (Act). This plant is known only from two small populations located on the island of Oahu, Hawaii. Both populations are vulnerable to any substantial habitat alteration and face clear and present threats from fire, feral pigs, and aggressive, exotic plant infestations on and near the sites where they occur. This rule implements the protection and recovery provisions afforded by the Act for this plant.

EFFECTIVE DATE: October 11, 1991.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 607, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT: Derral R. Herbst at the above address (808/541-2749 or FTS 551-2749).

SUPPLEMENTARY INFORMATION:**Background**

Cyanea superba was first collected on Oahu in 1817 by Adelbert Chamisso, botanist with the Romanzoff Expedition, and was placed by him in the genus *Lobelia* (Chamisso 1833). No information on the collecting locality was given other than the island. Asa Gray (1861) later transferred the species to the endemic genus *Cyanea*. Dr. Hillebrand

collected the species prior to 1870 in the "Gulches of Makaleha on Mt. Kaala," Waianae Mountains, Oahu. He collected it again in 1870, and there were no further documented sightings of the taxon until its rediscovery in the Waianae Mountains in 1971. Presently it is known from 2 small populations totaling fewer than 20 individual plants. A recently reported third population appears to be based on a misidentification (Hawaii National Area Reserves System 1988; John Obata and Steven Perlman, Hawaii Plant Conservation Center, and David Smith, Hawaii Division of Forestry and Wildlife, pers. comms., 1990).

A second subspecies (eventually named *Cyanea superba* subsp. *regina*) was discovered on the lower slopes of the Niu and Wailupe Valleys in the Koolau Mountains, Oahu, by William Hillebrand, Dr. Hillebrand's son, and J.M. Lydgate sometime prior to 1871. The vegetation of this area has since been destroyed by grazing cattle, and the subspecies has not been collected since 1932.

Cyanea superba is a perennial plant in the bellflower family (Campanulaceae) and is geographically isolated and morphologically very different from its closest relatives. It grows to 6 meters (m) (20 feet (ft)) tall, and has a terminal rosette of large leaves each 50 to 100 centimeters (cm) long and 10 to 20 cm wide (20 to 40 inches (in) by 4 to 8 in) atop a simple, unbranched trunk. Its numerous white or creamish flowers are in pendent inflorescences hanging 20 to 35 cm (8 to 14 in) below the leaves (Lammers 1990).

Cyanea superba grows in the understory on sloping terrain on a well drained, rocky substrate between 535 and 700 m (1,760 and 2,200 ft) in elevation. The understory is heavily shaded by canopy species including *Aleurites moluccana* (kukui) and *Pisonia brunoniana* (papala kepau), but is open. The open, shaded understory provides an environment conducive to invasion by aggressive exotic species (Obata and Smith 1981). One population is on State land in Pahole Gulch, while the other grows on Federal property in Kahanahaiki Valley, Waianae Mountains, Oahu, Hawaii.

Probably the greatest immediate threat to the survival of this species is the degradation of its habitat due to the introduction of alien plants and animals. The potential of destruction by wildfires generated in a nearby military firing range and damage directly to the plants and their habitat by feral pigs also are major threats. The plants are confined to 2 small areas of 167 and 56 square (sq) m (1,800 and 600 sq ft). The restricted

range of this plant makes it vulnerable to even small, local, environmental disturbances, and a single incident could destroy a significant percentage of the known individuals. Additionally, the limited gene pool may depress reproductive vigor.

Federal action on this species began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. In that document, *Cyanea superba* was considered to be endangered. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act, and giving notice of its intention to review the status of the plant taxa named therein. As a result of that review, on June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine endangered status pursuant to section 4 of the Act for approximately 1,700 vascular plant species, including *Cyanea superba*. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, *Federal Register* publication.

General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, *Federal Register* publication (43 FR 17909). In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the *Federal Register* (44 FR 70796) withdrawing the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published updated notices of review for plants on December 15, 1980 (45 FR 82479), September 27, 1985 (50 FR 39525), and February 20, 1990 (55 FR 6183). In these notices, *Cyanea superba* was treated as a Category 1 Candidate for Federal listing. Category 1 taxa are those for which the Service has on file substantial information on biological vulnerability and threats to support preparation of listing proposals.

Section 4(b)(3)(B) of the Act requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires

that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. On October 13, 1983, the Service found that the petitioned listing of these species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in October of 1984, 1985, 1986, 1987, 1988, and 1989. On July 17, 1990, the Service published in the *Federal Register* (55 FR 29072) a proposal to list *Cyanea superba* as endangered. This proposal was based primarily on a status survey by John Obata (Obata and Smith 1981), information supplied by the Hawaii Heritage Program (1989), the Hawaii Natural Area Reserves System (1988) report, and the observations of botanists and naturalists. The Service now determines *Cyanea superba* to be an endangered species with the publication of this rule.

Summary of Comments and Recommendations

In the July 17, 1990, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the final listing decision. The public comment period ended on September 17, 1990. Appropriate State agencies, county and city governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *The Honolulu Advertiser* on August 1, 1990, which invited general public comment. No comments were received.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Cyanea superba* should be classified as an endangered species. Procedures found at section 4 of the Endangered Species Act (16 U.S.C. 1533) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Cyanea superba* (Cham.) A. Gray (no common name) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Cyanea superba* is currently known from 2 small populations comprising less than 20 plants and covering a total of 223 sq m (2,400 sq ft) in the county of Honolulu, island of Oahu, Hawaii. Its previous range is unknown due to inadequate information by early collectors. The restricted range of the species makes it vulnerable to habitat alteration. Wildfires, feral pig activity, and aggressive exotic weed invasions all threaten its continued existence (Obata and Smith 1981). Fresh "ground rooting" by pigs was noted around the *C. superba* plants at both populations in March and April, 1990 (D. Smith, pers. comm., 1990). Furthermore, pigs were seen among the *C. superba* plants at the Kahanahaiki population in April, 1990, and just below the Pahole population in March, 1990 (D. Smith, pers. comm., 1990). While both populations have since been fenced (D. Smith, pers. comm., 1990), such protection may not exclude pigs completely. In this species' steep habitat, erosion caused by the ground-disturbing activities of feral pigs or humans is a potential threat (D. Smith, pers. comm., 1990). In addition, partially fallen trees directly upslope of the Kahanahaiki population as of April, 1990, threatened to fall or slide onto the population (D. Smith, pers. comm., 1990). Crowding by exotics occurs principally from invasion by *Psidium cattleianum* (strawberry guava) and *Schinus terebinthifolius* (Christmas berry) (Obata and Smith 1981). Fire spreading from the adjacent Makua artillery range impact area could potentially threaten this species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not known to be a factor, but unrestricted scientific collecting or excessive visits resulting from increased publicity could seriously affect the species. Human-caused erosion on the steep slopes is a particular concern (D. Smith, pers. comm., 1990). Also pigs are likely to follow human trails to the population (D. Smith, pers. comm., 1990).

C. *Disease or predation.* Due to its extreme rarity, little is known about this species or its predators. No obvious damage by disease or pests is evident. Uprooting and possible consumption by feral pigs is a threat to these two very small colonies, despite their having been fenced recently. Pigs may have been responsible for knocking over one *Cyanea* plant in April, 1990 (D. Smith, pers. comm., 1990). The type description of the species mentions damage to the

flowers by unknown insect larvae (Obata and Smith 1981).

D. *The inadequacy of existing regulatory mechanisms.* One population of species is found within a State forest reserve. State regulations prohibit the removal, destruction, or damage of plants found on these lands. However, the regulations are difficult to enforce because of limited personnel. Hawaii's Endangered Species Act (HRS, sect. 195D-4(a)) states, "Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the Endangered Species Act [of 1973] shall be deemed to be an endangered species under the provisions of this chapter * * *." Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, sect. 195D-5(c)). Funds for these activities could be made available under section 6 of the Federal Act (State Cooperative Agreements). Listing of this plant will therefore reinforce and supplement the protection available to the species under State law. The Federal Act also will offer additional protection to the species, because it is a violation of the Act for any person to remove, cut, dig up, damage, or destroy an endangered plant in an area not under Federal jurisdiction in knowing violation of State law or regulation or in the course of any violation of a State criminal trespass law.

E. *Other natural or manmade factors affecting its continued existence.* The extremely small size of the populations increases the potential for extinction from stochastic events. The limited gene pool may depress reproductive vigor, or a single natural or man-caused environmental disturbance could destroy a significant percentage of the known extant individual plants. Over the past 12 years, the Pahole population declined sharply from 50 to as few as 10 individuals (Hawaii Heritage Program 1989; D. Smith, pers. comm., 1990). When last surveyed in April, 1990, 12 plants were counted (Patricia Welton, University of Hawaii, pers. comm., 1990). While the Kahanahaiki population has fluctuated between 7 and 19 individuals over the past 14 years, only 6 plants were seen when it was surveyed in November, 1990 (Hawaii Heritage Program 1989; J. Obata, S. Perlman, and D. Smith, pers. comms., 1990). Furthermore, the population structure at Kahanahaiki (all plants are over 6 ft. tall) indicates that successful

regeneration is not taking place (D. Smith, pers. comm., 1990).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Cyanea superba* as endangered. Only 2 populations with a total of less than 20 individuals remain in the wild, and these face threats of fires, pig damage, competition from non-native plants, and general habitat degradation. Because this species is in danger of extinction throughout all or a significant portion of its range, it fits the definition of endangered as defined in the Act. Critical habitat is not being designated for this species for reasons discussed in the "Critical Habitat" section of this rule.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. Such a determination would result in no known benefit to the species. The publication of descriptions and maps required when critical habitat is designated would increase the degree of threat to this species from possible take or vandalism and, therefore, could contribute to their decline and increase enforcement problems. The listing of species as either endangered or threatened publicizes the rarity of the plants and, thus, can make these plants attractive to researchers, curiosity seekers, or collectors of rare plants.

All involved parties and major landowners have been notified of the general location and importance of protecting the habitat of these species. Protection of the species' habitat will be addressed through the recovery process and through the section 7 consultation process. The only known Federal activity within the current known habitat of these plants involves the use of portions of the Makua Military Reservation as a buffer zone adjacent to impact areas used as ordnance training sites by the U.S. Army. Firebreaks have been constructed between the impact area and the buffer zone to minimize potential impacts from any fires that may be generated during the ordnance training exercises (Herve Messier, U.S. Army, Ft. Shafter, Hawaii, pers. comm., 1990).

As mentioned in factor B in "Summary of Factors Affecting the Species," the plants grow on steep slopes and visits to the area by individuals could result in severe erosion problems, an additional threat to the species. Therefore, the Service finds that designation of critical habitat for this species is not prudent at this time, because such designation would increase the degree of threat from vandalism, collecting, or other human activities and because it is unlikely to aid in the conservation of this species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

One population of *Cyanea superba* is located on the Makua Military Reservation under the jurisdiction of the U.S. Army. The military uses portions of this area for ordnance training of its troops and provides a buffer zone adjacent to the impact area. Entry into the buffer area is forbidden to prevent injury from stray or unexploded shells or other devices (H. Messier, pers. comm., 1990). *Cyanea superba* is present only in the buffer zone and, therefore, is not directly affected by military activities. The Army has constructed

firebreaks on the Makua Military Reservation to minimize damage from unintentional fires that occasionally result from stray bullets (H. Messier, pers. comm., 1990). If the species is listed as endangered, the Department of Defense would be required to enter into consultation with the Service before undertaking, funding, or permitting any action that may affect the plants.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63, set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. With respect to *Cyanea superba*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal with respect to any endangered plant for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale this species in interstate or foreign commerce; or to remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any area under Federal jurisdiction; or remove, cut, dig up, or damage or destroy listed plants on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances.

It is anticipated that few, if any, trade permits would ever be sought or issued for this plant, because the species is not common in cultivation nor in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432-ARLSQ, Arlington, Virginia 22203-3507 (703/358-2104; FTS 921-2104; FAX 703/358-2281).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination

was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

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- Gray, A. 1861. Notes on Lobeliaceae, Goodeniaceae, &c. of the collection of the U.S. South Pacific Exploring Expedition. Proc. Amer. Acad. Arts 5:146-152.
- Hawaii Heritage Program. 1989. Element Occurrence Records for *Cyanea superba*, PDCAM042C1.004, PDCAM042C1.006, and PDCAM042C1.009, dated June 8-9, 1989, Honolulu. Unpubl. 5 pp.
- Hawaii Natural Area Reserves System. 1988. Plant survey of the Pahole Natural Area Reserve. Rep. no. 2, May 1988. Division of Forestry and Wildlife, Department of Land and Natural Resources, Honolulu, Hawaii. Unpubl.
- Lammers, T.G. 1990. Campanulaceae: in Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawaii. University of Hawaii Press and Bishop Museum Press, Honolulu, pp. 420-489.
- Obata, J.K., and C.W. Smith. 1981. Unpublished status survey of *Cyanea superba*. U.S. Fish and Wildlife Service, Honolulu. Unpubl. 31 pp.

Author

The primary author of this final rule is Dr. Derral R. Herbst, Fish and Wildlife Enhancement, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-2749 or FTS 551-2749).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under the family Campanulaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Campanulaceae—Bellflower family:						
Cyanea superba	None	U.S.A. (HI)	E	434	NA	NA

Dated: August 20, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91-21799 Filed 9-10-91; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 20

RIN: 1018-AB60

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1991-92 Early Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: The Fish and Wildlife Service (Service) is correcting errors in the rule prescribing the early open season dates, season length, and daily bag and possession limits for dove and pigeon seasons for the Navajo Indian Reservation, that appeared in the Federal Register on August 30, 1991 (56 FR 43542).

DATES: This rule takes effect on September 11, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. Keith A. Morehouse, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634-Arlington Square, Washington, DC 20240 (703/358-1773).

SUPPLEMENTARY INFORMATION: In the August 30, 1991, Federal Register (56 FR 43542), the Service published a final early season rule prescribing the open season dates and length, daily bag and possession limits, and general conditions for hunters for 7 Federal Indian reservations and ceded lands. For the Navajo Indian Reservation, the rule contained errors in the entry for the dove season and omitted information on the band-tailed pigeon season. These errors are described below and corrected by this notice.

Public comment received on the proposed rule (56 FR 42097) was discussed in the August 30, 1991, early season final rule (56 FR 43542). The corrections made herein are not

considered substantive in nature. That is, the corrections do not deviate from the request for regulations presented in the proposed rule, and discussed and anticipated to be approved by the Service. Also, the proposed seasons are not controversial so far as there have been no submitted comments or objections.

PART 20—[AMENDED]

The following corrections are made in Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1991-92 Early Season published in the Friday, August 30, 1991, Federal Register (56 FR 43542).

§ 20.110 [Corrected]

1. On page 43545, § 20.110, under paragraph (d) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nonmembers) the species, season dates and bag and possession limit text should read as follows:

Band-tailed Pigeons.

Season Dates: Open September 1, close September 30, 1991.

Daily Bag and Possession Limits: The daily bag limit is 5 and the possession limit is 10.

Mourning and White-winged Doves.

Season Dates: Open September 1, close September 30, 1991.

Daily Bag and Possession Limits. The daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 of the daily bag may be white-winged doves. Possession limit after opening day is 20 mourning and white-winged doves in the aggregate, of which no more than 12 may be white-winged doves.

The "General Conditions" paragraph is correct as originally published.

Dated: September 3, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 91-21520 Filed 9-10-91; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355-7127]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of catch limit increase in the General category.

SUMMARY: NMFS issues this notice to adjust the catch limit for giant Atlantic bluefin tuna in the General category from one to two fish per vessel per day. The regulations governing this fishery allow this adjustment during the fishing season based on a review of specified criteria. The intent of this action is to provide handgear fishermen an additional opportunity to harvest the quota.

EFFECTIVE DATE: September 6, 1991.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508-281-9324.

SUPPLEMENTARY INFORMATION:

Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 through 971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at CFR part 285.

Section 285.24(a) provides that the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), may adjust the daily catch limit to a maximum of three giant Atlantic bluefin tuna per vessel per day based on a review of dealer reports, landing trends, availability of the species on the fishing grounds, and any other relevant factors, in order to provide for maximum utilization of the quota. The Assistant Administrator has determined, based on the reported catch of giant Atlantic bluefin tuna of 235 short tons (st) (213 metric tons (mt)) through August 26, 1991, and on the average weekly catch rate of 37 st (34 mt) per week for the period July 20 through August 9, 1991, that the quota for the General category will not be harvested under the